

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 1999-459-T - ORDER NO. 2000-0168 ✓

FEBRUARY 18, 2000

IN RE: Application of Cardinal Moving and Storage,) ORDER *DW*
Inc., 997 Chelsea Park, Highway 170,)
Ridgeland, SC 29936 (Mailing Address: Post)
Office Box 574, Beaufort, SC 29901), to)
Transfer its Class E Certificate of Public)
Convenience and Necessity No. 9662 via the)
Purchase and Sale of the Company's issued)
and Outstanding Shares of Stock.)
)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Cardinal Moving and Storage, Inc., 997 Chelsea Park, Highway 170, Ridgeland, SC 29936 (Cardinal or the Company) to transfer its Class E Certificate of Public Convenience and Necessity No. 9662 via the purchase and sale of the Company's issued and outstanding shares of stock. Approval of this transaction is required by Commission Regulations 103-135 and 103-155.

The Commission's Executive Director instructed the Company to publish a Notice of Filing one time in newspapers of general circulation throughout the territory served by Cardinal. The Company filed affidavits to show that it had complied with the instructions of the Executive Director. A Petition to Intervene was filed by Dale J. Cook Moving and Storage, Inc., however, the Petition was subsequently withdrawn. Accordingly, there are no remaining Protests or Petitions to Intervene.

A hearing was held on February 2, 2000 at 10:30 AM in the Commission's hearing room, with the Honorable William Saunders, Vice-Chairman, presiding. Cardinal was represented by John J. Pringle, Jr., Esquire. The Commission Staff was represented

by F. David Butler, General Counsel. Cardinal presented the testimony of W. Watson Barnes, President of the Company.

Barnes testified that on April 1, 1999, his Company acquired the stock of Cardinal. The Company still has the former majority shareholder on Staff, and kept former employees, and the former equipment. Barnes stated that the company possessed seven (7) trucks to serve his customers, all of which have been inspected by the Federal Department of Transportation. The Company President noted that his company has automated some procedures, and raised the company's service level. Further, Barnes testified that, since acquiring the Company, his company had increased Cardinal's net worth by 75%. Barnes asks for the Commission's approval of the stock transfer *nunc pro tunc*. We also take notice of the contents of the Application in this case, which is a part of the record of this case under the Administrative Procedures Act.

Regulation 103-135(4) states that the proof required before this Commission can approve the transfer of a Certificate of Public Convenience and Necessity. There are basically three criteria: 1) the sale will not adversely affect the service to the public under the certificate; 2) the person acquiring said certificate or control thereof must be fit, willing, and able to perform the service to the public under the Certificate; and 3) that all services under the Certificate have been continuously offered and reasonably provided to the public for a period of time not less than twelve months prior to the date of the filing of the application for approval of the sale.

We have examined the necessary criteria and have concluded that the Company has met all three criteria and that the transfer of the certificate by stock transfer should be approved *nunc pro tunc*. First, we do not believe, from the testimony, that the sale will

adversely affect the service to the public under the certificate. Although mention was made of a consumer complaint involving the Company, it was announced at the beginning of the hearing that the complaint had been resolved to the satisfaction of all parties. We think it is important for companies under the jurisdiction of this Commission to demonstrate their willingness to work with their customers on complaint matters. We think that the Company has demonstrated that willingness with this customer.

Second, we think that the Company has demonstrated the fit, willing, and able criteria in this case. The Company has no judgments pending against it. The Company has some seven trucks, inspected by the Federal authorities, to serve its customers. Cardinal demonstrated insurance coverage of its vehicles. Overall, Cardinal appears to have the personnel, equipment, and policies necessary to maintain the proper level of service to the public under the certificate.

Lastly, it appears from the bills of lading furnished in the evidence that all services under the certificate have been continuously offered and reasonably provided to the public for a period of time not less than twelve (12) months prior to the date of the filing of the application for approval of the sale.

IT IS THEREFORE ORDERED:

1. That the transfer of the Class E Certificate of Public Convenience and Necessity No. 9662 is hereby granted *nunc pro tunc*.
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R. 38-400 through 38-503 of the

Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. That upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier service granted herein.


4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)